

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
 MUR 6041 ) **CASE CLOSURE UNDER THE**  
 RICHARD HANNA FOR CONGRESS ) **ENFORCEMENT PRIORITY SYSTEM**  
 AND DANIEL ROBERTELLO, AS )  
 TREASURER )

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 6041 as a low-rated matter. In this case, the complainant, Mitchell G. Ford, alleges that the Richard Hanna for Congress Committee, and its treasurer Daniel Robertello ("Committee"), failed to include disclaimers on several pieces of "campaign literature," as required by the Federal Election Campaign Act (the "Act") and the Commission's regulations. Specifically, the Committee allegedly failed to include disclaimers on a fundraising letter, the campaign's website, and a placard.

The Committee responded that it complied with the Commission's regulations by including a disclaimer on the return card that was included with its fundraising letter, and that the instructions paragraph for making a contribution substantially complied with the disclaimer regulations, although it was not set apart in a printed box. It further stated there was no disclaimer on the website and placard, but it placed a disclaimer on the website after receiving the complaint, and all new placards now have the disclaimer.

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In light of the remedial actions taken by the Committee and its apparent attempt to comply with the disclaimer provisions under the Act, and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985). This Office further recommends that the Committee be cautioned that its failure to include appropriate disclaimers on certain campaign materials could have potentially violated the disclaimer provisions under 2 U.S.C. § 441d.


**RECOMMENDATION**

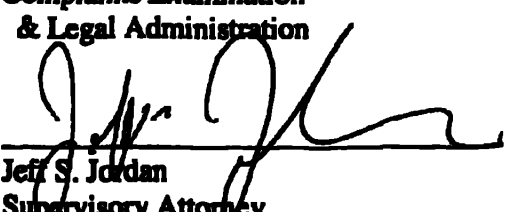
The Office of General Counsel recommends that the Commission dismiss MUR 6041, send a cautionary notification to Hanna for Congress Committee and Daniel Robertello, as treasurer, close the file, and approve the appropriate letters.

Thomasenia P. Duncan  
General Counsel

3/9/09  
Date

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